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22 *James V. Deppoleto Jr.*

23 UNITED STATES DISTRICT COURT  
24  
25 FOR THE DISTRICT OF NEVADA  
26  
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1 JAMES V. DEPPOLETO JR.,

2 Plaintiff,

3 v.

4 TAKEOVER INDUSTRIES  
5 INCORPORATED, *et al.*

6 Defendant.

CASE NO. 2:22-CV-2013

**STIPULATION FOR EXTENSION OF TIME**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

7  
8 **STIPULATION FOR EXTENSION OF TIME**

9 Plaintiff, James V. Deppoleto Jr. ("Mr. Deppoleto" or "Plaintiff"), by and through his  
10 undersigned counsel, and Defendants, Takeover Industries Incorporated ("Takeover"), Tom Zarro  
11 ("Zarro"), Michael Holley ("Holley"), Toby McBride ("McBride"), Joseph Pavlik ("Pavlik") and  
12 NextGen Beverages, LLC ("NextGen") (collectively, the "Takeover Defendants"),<sup>1</sup> by and  
13 through their undersigned counsel, hereby submit the following Stipulation for Extension of Time  
14 for the Court's review:

15 WHEREAS, on November 9, 2023, the Court entered a Scheduling Order (ECF No.  
16 37) setting, among other deadlines: (a) May 7, 2024, as the deadline by which parties must  
17 complete discovery; (b) June 6, 2024, as the date for filing of dispositive motions;

18 WHEREAS, in light of the continued settlement negotiations among the parties, the  
19 parties have met and conferred and agree to extend the discovery and case dispositive  
20 motion deadlines by 14 days each, such that;

21 (a) Pursuant to LR 26-1(b), discovery in this action shall be completed on  
22 or before May 21, 2024;

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27 <sup>1</sup> Plaintiff and the Takeover Defendants may be referred to as the "Parties."  
28

- 1 (b) Dispositive Motions shall be filed and served no later than June 20,  
2 2024.

3 WHEREAS, pursuant to LR 26-3, the parties state as follows:  
4

- 5 (a) After and in light of the Court's two recent decisions regarding the  
6 parties' discovery disputes, the parties have exchanged initial written  
7 discovery, followed by some supplemental responses having been  
8 produced. The parties each have some discovery responses  
9 outstanding, with responsive deadlines approaching in the near future.  
10 The parties have also discussed a deposition schedule for the various  
11 fact witnesses, and were planning to begin depositions soon.  
12

- 13 (b) The parties need to complete responses to each other's respective  
14 discovery requests, and depositions need to occur;  
15

- 16 (c) The parties have been negotiating over a potential resolution, and are  
17 in agreement that a short, two-week pause on discovery would be  
18 beneficial in that it would allow the parties to allocate and focus  
19 resources on negotiations over a potential resolution which, given the  
20 claims at issue, will likely need to be a very complicated resolution  
21 that goes beyond a simple exchange of money for a settlement  
22 agreement and release; and  
23

- 24 (d) All discovery shall be completed no later than May 21, 2024.  
25

26 WHEREAS, undersigned counsel certifies that this is the first stipulation for  
27 extension of time to file motions pursuant to LR IA 6-1.  
28

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties, through  
2 their undersigned counsel and subject to the approval of the Court, that all discovery shall  
3 be completed no later than May 21, 2024.

4 IT IS FURTHER HEREBY STIPULATED AND AGREED by and between the  
5 parties, through their undersigned counsel and subject to the approval of the Court, that all  
6 case dispositive motions, along with supporting briefs and other papers, if any, shall be  
7 served and filed on or before June 20, 2024. Briefing will be presented pursuant to the  
8 Court's Local Rules.  
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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: \_\_\_\_\_

DATED this 5th day of April, 2024.

**HUSCH BLACKWELL LLP**

/s/ Patrick M. Harvey

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And

DATED this 5th day of April, 2024.

**HALL & EVANS LLC**

/s/ Kurt R. Bonds

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McBride, Joseph Pavlik and NextGen Beverages,  
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**CERTIFICATE OF SERVICE**

1. On April 5, 2024, I served the following document(s): **STIPULATION FOR EXTENSION OF TIME**
2. I served the above document(s) by the following means to the persons as listed below:

☒ a. ECF System:

KURT R. BONDS on behalf of Defendants Takeover Industries Incorporated, Tom Zarro, Michael Holley, Toby McBride, Joseph Pavlik and NextGen Beverages, LLC  
nvefile@hallevans.com; bondsk@hallevans.com

DAVID SEXTON on behalf of Defendants Takeover Industries Incorporated, Tom Zarro, Michael Holley, Toby McBride, Joseph Pavlik and NextGen Beverages, LLC  
sextond@hallevans.com

And all other parties requesting notice.

☐ b. United States mail, postage fully prepaid:

☐ c. Personal Service:

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handling the document(s)

1 to the party or by leaving the document(s) at the person's dwelling house or usual  
2 place of abode with someone of suitable age and discretion residing there.

3 ☐ d. By direct email (as opposed to through the ECF System):  
4 Based upon the written agreement of the parties to accept service by email or a  
5 court order, I caused the document(s) to be sent to the persons at the email  
6 addresses listed below. I did not receive, within a reasonable time after the  
7 transmission, any electronic message or other indication that the transmission was  
8 unsuccessful.

9 ☐ e. By fax transmission:

10 Based upon the written agreement of the parties to accept service by fax  
11 transmission or a court order, I faxed the document(s) to the persons at the fax  
12 numbers listed below. No error was reported by the fax machine that I used. A copy  
13 of the record of the fax transmission is attached.

14 ☐ f. By messenger:

15 I served the document(s) by placing them in an envelope or package addressed to  
16 the persons at the addresses listed below and providing them to a messenger for  
17 service.

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Dated: April 5, 2024.

20 By: /s/ Patrick M. Harvey